

DISCRIMINATION IN THE WORKPLACE

Q: What is discrimination?

Discrimination in employment and occupation means treating people differently and less favourably because of characteristics that are not related to their merit or the requirements of the job. These characteristics include race, colour, sex, religion, political opinion, national extraction and social origin.

Discrimination at work is a violation of human rights that entails a waste of human talents, with detrimental effects on productivity and economic growth. Discrimination generates socio-economic inequalities that undermine social cohesion and solidarity and slows poverty reduction.

Other kinds of discrimination that the ILO and its constituents are concerned with include age, disability, HIV AIDS, religion and sexual orientation. Anti-union discrimination is also persistent and widespread. The elimination of discrimination is a key aim, contained in the ILO Declaration on Fundamental Principles and Rights at Work.

Q: When is different treatment not discriminatory?

Different treatment and rewards based on different levels of productivity is not discriminatory. Some workers and some occupations are more productive than others, reflecting different skills, qualifications and abilities. This leads to different returns at work - and it is fair and efficient. Different treatment based on individual merit, such as talents, knowledge and skill, is not discriminatory.

Different treatment to meet the special needs of some individuals - and make sure that they have equal opportunities - is not discriminatory. For example, it is not discriminatory to make sure that a worker with a disability has proper access, or to ensure that a worker who is pregnant is not exposed to workplace hazards. This may also include measures aimed to help members of groups disadvantaged by past or current discrimination.

Q: Why is gender equality a key goal of the ILO's anti-discrimination policy?

Gender equality is a crucial element in the ILO's strategy of promotion of fair opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity.

Gender discrimination is the ground in which most progress has been achieved, even if this has not yet been entirely successful. Sex-based inequalities persist and women remain the largest group suffering from discrimination. Moreover, the variability of gender inequalities prevents a thorough assessment of the phenomenon and their interactions with other factors on a local or global scale call for continuous reshaping of strategies to combat them.

What is affirmative (or positive) action?

Affirmative or positive action means special temporary measures of more favourable treatment to members of disadvantaged groups in order to speed up the pace of their recovery from long-standing, entrenched discrimination (e.g., hiring targets or quotas for groups that have been subject to discrimination).

Giving effect to the principle of equal treatment and opportunities means more than treating persons in the same way: it calls for initiatives to give all individuals the opportunity to compete on an equal footing for decent work.

Consequently, positive action is not discriminatory because it aims at levelling the playing field when long-standing segregation has occurred and simply outlawing discrimination is not enough.

How can the gender pay gap be explained?

The gender pay gap is frequently used to measure the extent of women's disadvantage in labour market. Part of the gender pay gap results from causes such as different levels of skills, qualifications, responsibilities, work experience and seniority, number of hours worked and of years of education. But beyond this, the pay gap is due to gender discrimination.

There are two types of pay discrimination:

- different pay is given for the same job, depending on whether it is performed by a male or a female worker
- different pay is given for jobs different in content but of equal value, depending on whether they are female-dominated or male-dominated jobs.

Both these forms are due to prejudices and stereotypes, unfair remuneration systems, and traditional job evaluation methods, and they both contravene the principle of "equal remuneration for work of equal value" embedded in ILO Convention No. 100.

How can discrimination be eliminated?

Laws banning discrimination and promoting equality are indispensable - but laws alone are not enough. Discrimination at work will not disappear just because it is forbidden. Almost every

country has laws against discrimination, yet discrimination persists everywhere. Effective enforcement institutions, positive action, unbiased education, training and employment services, as well as data to monitor progress, are also necessary. This mix of policies and instruments is essential, whatever the form of discrimination.

Both formal and informal barriers to equality must be dismantled. Measures to promote equality need to take account of diversity in culture, language, family circumstances, and the ability to read and to deal with numbers. For agricultural workers and owners of small or family enterprises, especially women and ethnic groups, equal access to land, training, technology and capital is key.

Q: How the ILO is assisting Governments, workers' and employers' organisations to fight gender discrimination?

Although there is no "one size fits all" solution, because legal frameworks, priority and needs differ by country and by group, the ILO is providing technical assistance and training material at the national level with a view to coordinating social partners' initiatives.

In this context there is great potential in the ILO's "Equal Employment Opportunities" (EEO) Guidelines, meant to provide guidance on how to give effect to national legislation, to explain the meaning of EEO and benefits arising from it for business, and to suggest recruitment policies, working conditions, and remuneration methods that could bring about a greater equality in the workplace.

Q: Why start at the workplace to combat discrimination?

The workplace is a strategic entry point to free society from discrimination. When the workplace brings together workers of different races, sexes and ages, for example, and treats them equally, it helps build a sense of common purpose. By doing so it defuses stereotypes and prejudices that are at the heart of discrimination. Combating discrimination at the workplace can also help reduce disadvantages, such as lower levels of education resulting from discrimination.